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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/743,194

12/22/2003

Christopher J. Stone

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06/27/2008

Motorola, Inc.

Law Department

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Schaumburg, IL 60196

EXAMINER

CHOWDHURY, NIGAR

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

06/27/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Schaumburg@motorola.com

APT099@motorola.com

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/743,194 | <b>Applicant(s)</b><br>STONE, CHRISTOPHER J. |  |
|                              | <b>Examiner</b><br>NIGAR CHOWDHURY   | <b>Art Unit</b><br>2621                      |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/11/04</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-6, 9-16, 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,937,331 by Kalluri et al.

2. Regarding **claim 1**, a method for recording a broadcast program, method comprising the steps of:

- receiving a transport packet stream in which the program is embodied, transport packet stream including an indicator denoting a time at which program ends (fig. 1, col. 5 lines 19-30, 43-52, col. 6 lines 1-9, col. 11 lines 8-60);
  - electronically storing transport packet stream (fig. 1, col. 5 lines 18-30, 43-52, col. 6 lines 1-9, col. 8 lines 12-37, col. 11 lines 8-60);
  - extracting indicator from the transport packet stream (fig. 1, col. 5 lines 18-30, 43-52, col. 6 lines 1-9, col. 11 lines 8-60);
  - decoding extracted indicator (fig. 1, col. 8 lines 5-11, col. 11 lines 8-60);
- and

- terminating the step of electronically storing transport packet stream in accordance with the time denoted by indicator (fig. 1, 7, col. 8 lines 52-col. 9 lines 39).

3. Regarding **claim 2**, the method wherein transport packet stream is received in accordance with a digital transport protocol (col. 10 lines 66-col. 11 lines 7).

4. Regarding **claim 3**, the method wherein digital transport protocol includes video compression (fig. 1, col. 9 lines 40-52).

5. Regarding **claim 4**, the method wherein transport packet stream is an MPEG-2 bit stream (fig. 1, col. 9 lines 40-52).

6. Regarding **claim 5**, the method wherein indicator is located in an MPEG-2 system table (fig. 1, col. 9 lines 40-52).

7. Regarding **claim 6**, the method wherein said MPEG-2 system table is a program map table (fig. 1, col. 9 lines 40-52).

8. Regarding **claim 9**, the method wherein the electronically storing step is performed on a magnetic storage device (col. 8 lines 12-22).

9. Regarding **claim 10**, the method wherein the electronically storing step is performed on an optical storage device (col. 8 lines 12-22).

10. **Claim 11** is rejected for the same reason as discussed in the corresponding claim 1 above.

11. **Claim 12** is rejected for the same reason as discussed in the corresponding claim 2 above.

12. **Claim 13** is rejected for the same reason as discussed in the corresponding claim 3 above.

13. **Claim 14** is rejected for the same reason as discussed in the corresponding claim 4 above.

14. **Claim 15** is rejected for the same reason as discussed in the corresponding claim 5 above.

15. **Claim 16** is rejected for the same reason as discussed in the corresponding claim 6 above.

16. **Claim 19** is rejected for the same reason as discussed in the corresponding claim 9 above.

17. **Claim 20** is rejected for the same reason as discussed in the corresponding claim 10 above.

18. **Claim 21** is rejected for the same reason as discussed in the corresponding claim 1 above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 7-8, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,937,331 by Kalluri et al. in view of US 6,847,779 by Pietraszak.

20. Regarding **claim 7**, Kalluri discloses transport packet stream in which the program is embodied and transport packet stream including an indicator (fig. 1, col. 5 lines 19-30, 43-52, col. 6 lines 1-9, col. 11 lines 8-60) but fails to disclose indicator is incorporated into transport packet stream by a universal data format

Pietraszak discloses indicator is incorporated into transport packet stream by a universal data format (col. 1 lines 30-43)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Kalluri's system to include a universal data format, as taught by Pietraszak, for user to have more flexibility to communicate and also which is easily be viewed.

21. **Claim 8** is rejected for the same reason as discussed in the corresponding claim 7 above.

22. **Claim 17** is rejected for the same reason as discussed in the corresponding claim 7 above.

23. **Claim 18** is rejected for the same reason as discussed in the corresponding claim 7 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGAR CHOWDHURY whose telephone number is (571)272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC  
06/16/2008

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621